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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL L. REED and KEVIN D. VIRGIL

Appeal 2009-013224
Application 10/002,795
Technology Center 2100

Before ERIC S. FRAHM, GREGORY J. GONSALVES, and MICHAEL R.
ZECHER, Administrative Patent Judges.

GONSALVES, Administrative Patent Judge.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the rejection of claims 1-37. (App. Br. 4.) We have jurisdiction under 35 U.S.C. § 6(b).

We affirm-in-part.

The Disclosed Invention¹

The disclosed invention includes compression user-defined data types (UDTs). (Abstract.) “Each compression UDT is associated with one or more UDT methods to compress data according to one or more respective compression algorithms.” (Id.)

Exemplary claim 1 follows:

1. A process for use in a database system, comprising:
storing data according to a first user-defined data type in a table;
associating at least a first compression routine with the first user-defined data type; and
using the first compression routine to compress the data according to the first user-defined data type.

The Examiner rejected claims 1-37 as anticipated under 35 U.S.C. § 102(b) by Vanderpool (US 5,781,773, July 14, 1998). (Ans. 3-14.)

ISSUES

Appellants’ responses to the Examiner’s positions present the following issues:

¹ The ensuing description constitutes findings of fact designated as FF 0.

1. Did the Examiner establish that Vanderpool discloses “associating at least a first compression routine with the first user-defined data type,” as recited in claim 1, and as similarly recited in claim 13?

2. Did the Examiner establish that Vanderpool discloses “a plurality of compression routines to apply respective different compression algorithms,” and “a controller adapted to invoke one of plurality of compression routines to compress data stored in the table,” as recited in claim 27?

FINDINGS OF FACT (FF)

Vanderpool

1. Vanderpool discloses a database “stored on an optical disc and includes index tables corresponding to searchable data fields.” (Abstract.) Compressed image data is “stored on the optical media...” (2:61-62.) “The compressed image data includes at least a first compressed image and a second compressed image of lesser resolution than the first compressed image.” (2:63-66.)

2. Vanderpool also discloses executable code that includes “decompression software for both decompressing the main image in accordance with the JPEG standard and the thumb-nail image in accordance with the compression algorithm...” (9:17-22.)

PRINCIPLES OF LAW

The Examiner bears an initial burden of factually supporting an articulated rejection. In re Oetiker, 977 F.2d 1443, 1445 (Fed. Cir. 1992). “It is axiomatic that anticipation of a claim under § 102 can be found only if

the prior art reference discloses every element of the claim.” In re King, 801 F.2d 1324, 1326 (Fed. Cir. 1986).

ANALYSIS

Issue 1- Claims 1-26

Appellants assert that Vanderpool does not “disclose a process that includes ... ‘associating at least a first compression routine with the first user-defined data type’” (App. Br. 8.) The Examiner reasons that Vanderpool discloses compressed image data that “includes at least a first compressed image and a second compressed image of lesser resolution than the first compressed image.” (Ans. 4; see also Ans. 15-16.) But independent claims 1 and 13 require more; they require associating a first compression routine with a first user-defined data type. And the Examiner fails to identify the portions of Vanderpool that disclose this claim limitation. (See Ans. 4, 15-18.)

Therefore, we will not sustain the Examiner’s rejection of independent claims 1 and 13, and claims 2-12 and 14-26 dependent therefrom.

Issue 2 - Claims 27-37

Appellants assert that “Vanderpool does not disclose a system that includes ‘a plurality of compression routines to apply respective different compression algorithms,’” (App. Br. 14.) Appellants argue that “Vanderpool only describes a single compression algorithm and thus clearly fails to disclose a plurality of compression routines to apply respective different compression algorithms.” (Id.)

Contrary to Appellants’ argument, however, Vanderpool discloses a first compressed image and a second compressed image of lesser resolution

than the first image. (Ans. 13, and 18; accord FF 1 and 2.) Accordingly, Vanderpool discloses at least two compression algorithms including one to produce the first compressed image and another to produce the second compressed image of lesser resolution. (See Ans. 18; FF 1 and 2.)

Appellants also assert that “Vanderpool does not disclose a system that includes ... ‘a controller adapted to invoke one of plurality of compression routines to compress data stored in the table.’” (App. Br. 14.) To support this assertion, Appellants argue only that “Vanderpool is necessarily precluded from disclosing such a feature because Vanderpool fails to disclose a plurality of compression routines” (Id.)

This argument is not persuasive because as explained supra, Vanderpool does, in fact, disclose at least two compression routines.

For these reasons, we sustain the Examiner’s rejection of independent claim 27, as well as the rejections of the claims dependent therefrom (i.e., claims 28-37) because Appellants did not set forth any separate patentability arguments for these dependent claims.

DECISION

We reverse the Examiner’s decision rejecting claims 1-26. We affirm the Examiner’s decision rejecting claims 27-37.

No time for taking any action connected with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED-IN-PART

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